IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3695 OF 2005.
IN
FIRST APPEAL NO. 1497 OF 2005.

J.K.(Bombay) Ltd. ... Applicant.
Versus.
Mataharsha Rampher Mishra. ... Respondent.

Shri A.M.Vyas i/by M/s.Ranjit & Co.for the Applicant.
Shri Vaibhav Patankar i/by Shri M.S.Lagu for the Respondent.

CORAM : ABHAY S.OKA, J.
DATED : 23rd MARCH, 2006.

P.C.:

1. After hearing the learned Advocates appearing for both the parties, this Court by order dated 2nd December 2005 granted stay of execution of the impugned judgment subject to condition of the Applicant depositing a sum of Rs.46,000/- in this Court within a period of two weeks from that date. The Respondent was permitted to withdraw the said amount after furnishing security to the satisfaction of the Registrar (Judicial). The office noting shows that the amount of Rs.46,000/- has been deposited. As directed by the same order, the Controlling Authority has made adjudication and has passed an order on 8th March 2006. The order of the Controlling Authority is placed on record.

2. The Controlling Authority has recorded a finding that the Respondent is not entitled to payment of gratuity as he is not covered by the Payment of Gratuity Act, 1972, In view of this position ad-interim stay granted on 2nd December 2005 deserves to be continued till the final disposal of the Appeal.

3. Hence the following order:

i) Ad-interim stay granted on 2nd December 2005 will continue to operate till final disposal of the Appeal. If the Respondent in this application has not withdrawn the amount deposited by the Applicant, he will be entitled to withdraw the said amount within a period of 12 weeks from today subject to furnishing security to the satisfaction of the Registrar (Judicial). If within a period of 12 weeks the amount is not withdrawn by the Respondent, the Registrar (Judicial) will invest the same in fixed deposit with any nationalised bank initially for a period of 3 years and the fixed deposit will be renewed thereafter from time to time till disposal of the appeal.

ii) The parties are permitted to take copies of the order dated 8th April 2006 passed by the Controlling Authority. The parties are free to adopt their remedy so far as the said order is concerned.

iii) The Application is disposed of in the above terms with no order as to costs.

Judge.